

HEARING RECOMMENCED 9.00am

COMMISSIONER: No change in appearances. Anything to report, Mr Paterson?

MR PATERSON: I'll allow Mr O'Neill.

5 COMMISSIONER: Mr O'Neill?

MR O'NEILL: Yes, I'll just lead off if I may. Sir, the parties met with the Law Society and their members last Friday, 17 December. That was a very positive meeting. Mr Paterson and myself outlined to that meeting the process as to what was involved with both the award review process and the insertion of a new classification and wage structure into that award.

10 Feedback from that meeting has indicated that the majority of the industry does pay over award payments, therefore it is felt that the issue in respect of the translation would not be a cost impost on the industry. However, the society did indicate that they would like the opportunity to contact, particularly some of the smaller firms that have not yet responded to them. My understanding is that Mr Paterson would be happy with that approach. I'll let him advise the commission himself on that and that the parties would be looking for a hearing or a date set down in February for this matter to be finalised. If it pleases.

15 COMMISSIONER: Thanks, Mr O'Neill. Yes, Mr Paterson?

MR PATERSON: Commissioner, if I could just add several small matters to that. In going through the union's proposal for this award, or the draft award I think, as made in exhibit P.2, I did make the point that I felt it was incumbent on the employers, through the TCCI and the Law Society, to either consent to the classification and wages structure put by the union or come back to us with, either difficulties with it or alternate proposals. In that sense, I believe it is incumbent on the employers' representatives and the TCCI to do that. At this stage, there is no indication of any fundamental in-principle problems with the classification or wages structure.

I can confirm that it was the intention of all the parties at that meeting to seek a hearing in early February, at which stage I think we should be, hopefully optimistically, in a position to finalise this matter.

35 I've undertaken to provide an update to P.2 to the TCCI by the end of this week. There are a couple of minor errors in format and one or two other glitches that slipped through the process in P.2 and the subsequent amendments to it so I'll attend to those, both in terms of the commission's requirements regarding formatting and standard operational clauses, if you like, in terms of things like award interest and I believe that I'll be in a position to do that.

I don't really think that there's anything much more that the parties need to report. I will also pursue, given the delays in this process and also given the observation that the current practice in the industry is over award wages in respect of the current award, I think we need to
5 have some further discussions on the actual MRA dates and whether there can, given our willingness to have this process open and extended - whether there isn't some opportunity to pursue some compression of the MRA process.

Aside from that, I would only ask of the commission that if there is any
10 technical operational deficiencies in the draft that we've provided to the commission, that we be advised of any such problems as soon as possible. Otherwise, I believe this matter will be ready to progress in February.

COMMISSIONER: Yes. Thanks, Mr Paterson. I won't set down a date
15 for February now but I'll be more than happy to discuss that with you early in the new year, Mr Paterson.

MR PATERSON: My difficulty is that I'll be on leave all of January so anything that I don't do by the close of business this week, I won't be
20 in a position to attend to before the first Tuesday in February. So it would be my preference that a date was set today or, alternatively, I can advise of the dates that I am not available in February at this stage and you can set it for any day you like.

COMMISSIONER: All right. We'll go off the record.

OFF RECORD 9.07am

25 **ON RECORD 9.08am**

COMMISSIONER: Thanks, gentlemen. We'll set down the next
hearing for 9 February when, hopefully, the parties will be able to report settlement on all matters but knowing human nature and employers, Mr Paterson, I won't be surprised if at the 11th hour,
30 there's a snag somewhere. Smith, Mr Paterson, smile.

MR PATERSON: In that context, there would have to be a serious snag for us to allow it to intervene in the progression of the process, however, it is a matter that will be progressed by consent. At this stage, that's the parties' intent.

35 MR O'NEILL: All good intentions.

COMMISSIONER: Thank you, gentleman. Happy Christmas to you, and we'll see you on 9 February.

HEARING ADJOURNED 9.09am